CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	√ F	orce	\checkmark	Discourt.	U.S.	
Stanislav Sazonov		Squad #9	201409014	Ø A	Abuse		O.L.	☐ Injury	
Incident Date(s)		Location of Incident:	•	Pre	ecinct:	18	Mo. SOL	EO SOL	
Tuesday, 09/02/2014 6:55 PM		West 136th Street and Amsterdam Avenue			30	3	/2/2016	3/2/2016	
Date/Time CV Reported		CV Reported At:	How CV Reported:	Г	ate/Time	Rece	ived at CCF	RB	
Wed, 09/03/2014 9:34 AM		CCRB In-person			Wed, 09/03/2014 9:34 AM				
Complainant/Victim	Type	Home Addre	SS						
Witness(es)		Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. DT3 Darrel Oneill	02206	939149	NARCBMN						
2. POM Christophe Vanweddinger	31124	919808	NARCBMN						
Officer(s)	Allegation	on			Inve	estiga	tor Recon	nmendation	
A.DT3 Darrel Oneill	Abuse: Det. Darrel Oneill stopped the car in which \$87(2)(b) was an occupant.								
B.POM Christophe Vanweddinger	Abuse: PO Christopher Vanweddinger stopped the car in which \$87(2)(b) was an occupant.								
C.DT3 Darrel Oneill	Force: Det. Darrel Oneill used a chokehold against \$87(2)(b)								
D.DT3 Darrel Oneill	Discourtesy: Det. Darrel Oneill acted rudely toward § 87(2)(b)								
E.DT3 Darrel Oneill	Discourtesy: Det. Darrel Oneill spoke discourteously to								
F.DT3 Darrel Oneill	Abuse: Det. Darrel Oneill threatened to seize § 87(2)(b) s property.								
G.POM Christophe Vanweddinger	Abuse: PO Christophe Vanweddinger threatened to seize s property.								
H.POM Christophe Vanweddinger	Discourtesy: PO Christophe Vanweddinger spoke discourteously to \$87(2)(b)								

Case Summary

On September 2, 2014, at approximately 6:55 p.m., \$87(2)(b) drove his black BMW, plate
number \$87(2)(b) in the vicinity of West 136th Street and Amsterdam Avenue, in Manhattan.
who occupied the front passenger seat, and a female known only as \$87(2)(b) who occupied the
back passenger seat, were also present in the vehicle. After passed several double-parked
cars, he noticed an unmarked van behind him honking its horn. §87(2)(b) pulled over and two officers
identified by the investigation as Det. Darrel O'Neill and PO Christopher Vanweddinger, exited the van
and approached \$87(2)(b) s vehicle (Allegations A and B). Det. O'Neill opened the door on the
driver's side, grabbed \$87(2)(b) by his throat with his right hand and applied pressure to his larynx
(Allegation C). Approximately four to five seconds later, Det. O'Neill released his grip on
s larynx, took a slice of pizza from \$87(2)(b) s hand and threw it on the floor of the car
(Allegation D). Det. O'Neill called 887(2)(b) "a fucking asshole" and said that he could take
s "fucking car" (Allegations E and F). PO Vanweddinger also said that they could take
s "fucking car" (Allegations G and H). The officers then left. No summons was issued and no
arrest was made. (encl. 4A-4B)

Mediation, Criminal and Civil Histories

- Mediation was not offered because \$87(2)(b) alleged being choked and sought medical treatment at a hospital following the incident. (See Medical Records folder).
- \$87(2)(b) filed a Notice of Claim with the City of New York on \$87(2)(b) , claiming assault, battery, intentional and negligent infliction of emotional distress, violation of Civil Rights under 42 USC 1983 and seeking two million (\$2,000,000) dollars as redress (encl. 16A-16C).
- § 87(2)(b)

 § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first complaint filed by \$87(2)(b) (encl. 1D).
- Det. O'Neill has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. 1A).
- PO Vanweddinger has been a member of the service for seventeen years and has been the subject of two substantiated CCRB allegations (encl. 1B-1C):
 - o In CCRB 9900393, allegations of physical force and abuse of authority were substantiated by the Board.

Identification of Subject Officers

described the vehicle the two officers drove as a dark blue van, plate number \$\frac{87(2)}{2}\$. The operator of the van was described as a white man in his 40s, approximately 5'1" tall, between 140 and 150 pounds and completely bald. The recorder of the van was described as a white male in his mid-30s, approximately 6'1" to 6'2" tall, about 225 pounds and dark moustache. \$\frac{87(2)(0)}{2}\$ described the officer who approached as a stocky white male in his mid-40s, approximately 6'0" tall and a completely bald head. The officer who approached \$\frac{87(2)(0)}{2}\$ side was described as an average built white male in his early 40s and approximately 5'8" tall. The NYPD Fleet Services Division identified the vehicle with plate number \$\frac{87(2)(0)}{2}\$ as being assigned to Manhattan North Narcotics. PO Christopher

Page 2 CCRB Case # 201409014 Vanweddinger and Det. Darrel O'Neill were assigned to the van on the day of the incident (encl. 9A-9B). Det. O'Neill described himself in the Officer Interview Sheet as a \$87(2)(b) -old white male, 6'0" tall, 240 pounds, with brown hair and hazel eyes. PO Vanweddinger described himself in the Officer Interview Sheet as a \$87(2)(b) -old white male, 5'11" tall, 180 pounds, with brown hair and brown eyes. PO Vanweddinger said he was the recorder of the van and Det. O'Neill corroborated that he was the operator. Despite their descriptions being somewhat discrepant, §87(2)(b) and §87(2)(b) were consistent in that the operator of the van was the one who choked \$87(2)(6) and spoke discourteously to him. On March 18, 2015, \$87(2)(b) viewed two photo arrays, labeled A1 and B1. (encl. 4G-4I) He picked officer number 2 from array A1. The officer \$87(2)(6) picked corresponds to the NYPD MOS photo of Det. Darrell O'Neill from Manhattan North Narcotics (encl. 7F). § 87(2)(6) wrote that the officer whose photograph he selected "is the one that pulled me out my vehicle by my throat and took my pizza out my hand and threw it at me and said, 'I'll take your fucking car!' After the incident was over I went to the precinct to file a report and he tapped me on my shoulder and said, 'Do what you have to." verbally picked officer number 4 from array B1, which corresponds to the NYPD MOS photo of PO Christopher Vanweddinger from Manhattan North Narcotics, as the second officer involved in the incident (encl. 6F). However, \$37(2)(b) did not sign off on PO Vanweddinger's photo because he was not certain that he was the second officer involved in the incident. In addition to noting that they were working together in van #1799 on September 2, 2014, the memo books of Det. O'Neill and PO Vanweddinger note that they were in the vicinity of West 136th Street and Amsterdam Avenue around 6:55 p.m. (encl. 6A-C, 7A-C). Furthermore, \$87(2)(6) that after the incident, he ran into the subject officers outside of the 26th Precinct stationhouse, where he had gone to file a complaint. Although neither officer recalled being at the 26th Precinct stationhouse, both of their memo books document an arrest (Arrest #887(2)(6) that was made at 5:10 p.m. that day by another officer assigned to their field team, Det. Kevin Stewart, and processed in the 26th Precinct (encl. 14B-). Det. O'Neill's memo book notes that at 7:10 p.m., he went to the 30th Precinct stationhouse for arrest processing, and later, at 10:50 p.m., that he transported the prisoner from Arrest #8.87(2)(b) § 87(2)(b) **Medical Records** went to § 87(2)(b) On September 2, 2014, § 87(2)(b) . During triage, § 87(2)(b) stated that he had throat pain and neck pain following an assault approximately two hours prior to his arrival at the hospital. §87(2)(b) complained that he was choked and had back pain. An examination of \$87(2)(b) s neck indicated that he had no gross asymmetry, abnormal calcification or prevertebral soft tissue swelling. § 87(2)(6) complained of shortness of breath following the assault. His chest radiograph indicated that his lungs were clear, his hart, trachea and bronchi were also normal. However, the radiograph revealed compression deformity of the vertebral body of T7 which was consistent with age-indeterminate fracture. § 37(2)(b) was given Diazepam to relive

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muscle spasms and Ibuprofen for pain. §87(2)(b) was discharged to self-care in the morning of September 3, 2014. (See Medical Records folder).

Findings and Recommendations

Allegation Not Pleaded In his telephone statement to the CCRB on September 8, 2014, \$87(2)(6) said that PO Vanweddinger had a gun displayed when he approached his vehicle (encl. 3A). However, in his statement to IAB on September 2, 2014 (encl. 2D-2F), and his in-person interview at the CCRB on September 16, 2014, he did not make such allegation (encl. 4A-4B). § 87(2)(b) who was in the vehicle with § stated in his telephone statement to the CCRB on September 8, 2014, that the officers had their guns drawn (encl. 3B), but in his in-person interview at the CCRB, §87(2)(b) did not make that allegation (encl. 5A-5B). § 87(2)(9) Allegation A – Abuse of Authority: Det. Darrel O'Neill stopped the vehicle in which [887(2)(5)] was the occupant. Allegation B – Abuse of Authority: PO Christopher Vanweddinger stopped the vehicle in which § 87(2)(b) was the occupant. Allegation C – Force: Det. Darrel O'Neill used a chokehold against §87(2)(6) Allegation D – Discourtesy: Det. Darrel O'Neill acted rudely toward 887(2)(6) Allegation E – Discourtesy: Det. Darrel O'Neil spoke discourteously to \$87(2)(6) Allegation F – Abuse of Authority: Det. Darrel O'Neill threatened to seize §87(2)(6) property. Allegation G – Abuse of Authority: PO Christopher Vanweddinger threatened to seize [307(2)(5)] s property. Allegation H – Discourtesy: PO Christopher Vanweddinger spoke discourteously to \$87(2)(6) stated that he pulled his car over on West 136th Street when a dark blue van behind him, occupied by Det. O'Neill and PO Vanweddinger, sounded its horn. Det. O'Neill exited the van and approached the driver's door of \$87(2)(b) so are while PO Vanweddinger approached the passenger's side. Det. O'Neill opened the door, grabbed \$87(2)(b) states and put pressure on his larynx. attempted to move and relieve the pressure on his throat. Det. O'Neill then released his grip, threw \$87(2)(b) s s slice of pizza on the floor, called him a "fucking ass hole" and threatened to take away § 87(2)(b) s vehicle. § 87(2)(b) also stated that PO Vanweddinger threatened to take away his vehicle and cursed at him. who is \$87(2)(b) who is \$87(2)(b) s friend, corroborated \$87(2)(b) s statement. However, his description of the way Det. O'Neill had allegedly grabbed \$87(2)(b) s neck differed. While \$7(2) \$87(2)(b) described pressure being placed on his throat and larynx, \$87(2)(b) did not see \$87(2)(b) being grabbed by the front of his neck. He stated that Det. O'Neill grabbed the back of \$87(2)(b) neck and pushed him forward toward the steering wheel, after which he heard \$87(2)(6) coughing and hyperventilating. From the scene of the incident, § 87(2)(b) went immediately to the 26th Precinct stationhouse, where he filed a complaint about the incident (consistent with his CCRB statement) that was noted in the command log (encl. 12A) and documented in a Civilian Complaint Report (encl. 2A-2C). He then went to where he complained of throat and neck pain due to assault and received treatment. (See Medical Records folder).

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Both Det. O'Neill (interview (interviewed less than three month		onths after the incident) and	<u>C</u>
		when shown their	
officers denied that they stopped	used any	force against him or made	any discourteous
remarks or actions toward him.			
§ 87(2)(g)			
	II	-1.4- CCDD	
van driven by Det. O'Neill and PO		ed the CCRB with the license date of the incident, and su	
Det. O'Neill (while recognizing PC			
interacted.			
§ 87(2)(g)			
§ 87(2)(g)			
Team:			
Investigator:	Stanislav A. Sa	zonov	
Signature	Print	Date	
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Supervisor:	Print	Date	
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Reviewer:			-
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